

Title & Tenancy



TENANCY IN SEVERALTY - Example: Property owned by John Doe

One person owns property as sole ownership in severalty. Only he/she alone can use, mortgage, or dispose of the property. Upon John's death, his interest passes to his heirs or devisees through probate proceedings. Corporations hold title to property in severalty.

JOINT TENANCY - Example: Property owned by Jessica Lee (1/3), Thomas Smith (1/3), and Angela Hart (1/3)

This tenancy may exist between two or more persons. Each has an equal undivided interest in the property with rights of survivorship. A joint tenant may not will his/her interest and upon the death of a joint tenant, his/her interest passes to the other joint tenants. However, a joint tenant may sell his/her interest or partition the property, thereby converting his/her interest to an interest held as a tenant in common. If a tenancy in common is created, this does not disturb the other owners, who still hold their interests as joint tenants amongst themselves. Property under this tenancy may be attached by a lien for debts or obligations. Upon divorce/annulment/termination, a joint tenancy remains intact as to property held by a husband and wife, or as partners in a civil union, as joint tenants.

TENANCY BY THE ENTIRETY - Example: Property owned by Tim & Kathy Corpuz, husband and wife; or by John Smith & John Smith, Jr., as reciprocal beneficiaries; or by Jennifer Kim & Jane Doe, as partners in a civil union

This tenancy may exist only between husband and wife, reciprocal beneficiaries, or partners in a civil union. One tenant by the entirety may not terminate the tenancy by a separate transfer of his/her interest in the property

(though he/she may convey his/her interest to the other tenant) nor may he/she partition the property without the consent of the other tenant. The death of one tenant vests title solely in the other and, therefore, it is impossible to pass title by will. Property held under a tenancy by the entirety may not be attached as to the debts and obligations of only one tenant. Federal Tax Liens and Child Support Liens against Tim, but not Kathy, DO attach to the property. Upon divorce/annulment/termination, a tenancy by the entirety becomes a tenancy in common.

TENANCY IN COMMON - Example: Property owned by Aaron Daine (2/3 interest) & Anthony Temm (1/3 interest)

This tenancy may exist among two or more persons, with no right of survivorship. Each person has an undivided interest in the property which he/she is free to convey or pass on to his/her heirs or assigns, without the consent of the other owners. Tenants in common need not hold equal undivided interests (For Example: one tenant may hold a 2/3 undivided interest and the other may hold a 1/3 undivided interest). Property under this tenancy may be attached by a lien for debts or obligations.

HOMEOWNER'S EXEMPTION - Go to www.honolulu.gov/rpa/realpropertyexemptioninformation.pdf to find out who may qualify for a homeowner's exemption on their property taxes. The deadline for filing an exemption claim is September 30.

The Claim for Home Exemption form and instructions can be accessed at www.honolulu.gov/rpa/bfsrpp3.pdf

This information is presented for informational purposes only and is deemed reliable but is not guaranteed.

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